

September 29, 2010

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

RE: Supplement to Iredell-Statesville Schools' ("Iredell") Appeal of Schools and Libraries Decision Regarding Iredell Form 471 Application No. 729572 For Funding Year 2010 ("Application")

Dear Secretary Dortch,

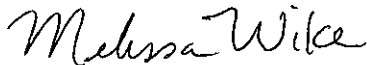
On September 22, 2010, Iredell filed a Letter of Appeal ("Appeal") relating to the Universal Service Administrative Company's September 9, 2010 decision affirming the classification of the Application as "Out Of Window" ("USAC Decision"). The Appeal referenced Iredell's underlying May 13, 2010 appeal to USAC ("USAC Appeal"), which was denied.

The purpose of this supplemental filing is to formally file Iredell's USAC Appeal (including supporting materials) so that they can be associated with the Appeal now pending at the Commission. The USAC Appeal further supports Iredell's position that only unintended clerical and ministerial errors prompted the classification of the Application as "Out of Window." See Attachment 1. The Commission's decisions in cases like *Bishop Perry* and *Academy for Academic Excellence* support acceptance of the Applicant as timely filed or waiving the rules under the circumstances.<sup>1</sup>

Also enclosed is a copy of the USAC Decision. See Attachment 2.

Iredell is prepared to respond to any requests for further relevant information that it might have.

Sincerely,



Melissa Wike  
Chief Financial Officer

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<sup>1</sup> *Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, LA, et al.*, Order, 21 FCC Rcd 5316, 5321-22 ¶12 (2006) and *Requests for Waiver of Decisions of the Universal Service Administrator by Academy for Academic Excellence, Apple Valley, California, et al.*, Order, 22 FCC Rcd 4747, 4748-49 ¶5 (WCB 2007).



# **Attachment 1**

May 13, 2010

Letter of Appeal

Schools and Libraries Division - Correspondence Unit

30 Lanidex Plaza West

PO Box 685

Parsippany, NJ 07054-0685

RE: 471 Application 729572, BEN 127068

Iredell-Statesville School District ("District"), 549 N Race Street, Statesville, NC 28677

Contact: Jim Ross , Phone 757 287-3459, jrosscpa@cox.net

Address: 1019 Tottenham Lane, Virginia Beach, VA 23454

Cases # 22-035489, 22-055432 and 22-060672

Ladies/Gentlemen:

I have reviewed the status of Iredell-Statesville School District's form 471 for the year 2010-11 and it is showing "Incomplete". For whatever reasons that we do not understand, the District's 471# 729572 is not showing Certified-In Window. The District appeals this designation and requests that it be changed to "Certified-In Window". To that end the following facts and circumstances are provided:

1. On the morning of 2/11/2010 Jim Ross and I completed a detailed review of Application 729572, including review of underlying support for Block 4 (tracing to free and reduced lunch reports), Block 5 (tracing to invoices and contracts) and Block 6 certifications and assurance. We undertake this procedure as due diligence regarding the completion of the form and the assurances that are being given to SLD. As a result of our detailed review of the Application 729572 on 2/11/2010, two changes were made to the Application.
2. Upon completing the due diligence meeting and two minor corrections, we closed the application program and moved from a conference table (where there wasn't access to a networked printer) to my office to submit the form and print manual signature pages. A set of signature pages were printed contemporaneously after the submit button was pressed. The signature pages are provided as Item 1 attached. You will also see that the pages are dated at the top left "2/11/2010", dating that is created by SLD software and proves those pages were created on that date. Furthermore, Jim Ross has subsequently attempted to use the "Certify Complete" function to print manual signature pages for either 2009-10 or 2010-11 and cannot do so. He cannot explain or understand how we might have printed these forms with the "2/11/2010" date other than by using the "Certify complete" function or by contemporaneously printing them after pressing the submit application button. Still further, I would not have

expected that SLD software would have allowed someone filing in year 2010-11 to enter into the "Certify complete" function for a previous year's filing.

3. The above described set of signature pages was attached to the 2010-11 Item 21 pages and sent to SLD by Debbie Perry via FedEx service. The District's shipment and receipt evidences they were mailed 2/11/2010, well before the deadline and delivery receipt indicates the package was received on 2/12/2010. In February, the District was not in the process of filing any other applications, BEARs, or other correspondence with SLD. Application 729572 was the only correspondence undertaken in this time frame with SLD. See Items 2 and 3 which are FedEx shipping and receipt notices.
4. Jim Ross, the District's Erate Coordinator, has entered a series of cases numbers (case numbers 22-035489, 22-055432 and 22-060672) to determine the status of Application 729572. SLD Problem Resolution advised the District to file the application out of window and, once that status was received, to request a waiver of the out of window status. The District submitted the application manually and case 2-055432 correspondence indicated it was received into the SLD system on 3/31/2010. However, in more than a month thereafter, the status has not been updated from "Incomplete" to "Complete-Out of Window" and SLD has not responded to case 22-060672 that requested a date at which the status would be updated.
5. Regarding case 22-035489, SLD's Jessie Meyers provided a detailed response that indicated SLD had not received the District's signature pages. She could not explain why the application was showing "Incomplete", found that, in fact, the last date on which Application 729572 was updated/modified occurred on 2/11/2010 and provides a "screen shot" of the last modification date of the application. This is the date which we completed our due diligence review of the Application, made corrections, and, we believed, completed all steps necessary to file the Application. A copy of her response is attached as item 4.

The above describes an error we are unable to explain. The District believed on 2/11/2010 and believes now it submitted form 729572 online within the original window, forwarded the related signature pages (including Item 21s and supporting contracts) within the window and SLD was in possession of those signature pages several days prior to the 2/19/2010 final closing date. The documentation of the timely steps taken to affect the filing are conclusive as to when they occurred and their intent to complete the filing. The District requests that SLD reclassify Application 729572 from "Incomplete" to "Certified-In window."

Please correspond with Jim Ross in this regard and let him know of additional information you might need to evaluate this request.

Sincerely,

Melissa Wike  
Chief Financial Officer-Iredell-Statesville School District  
549 N Race Street, Statesville, NC 28677



ITEM 1

Item 1-Signature pages printed 2/11/2010

Following are the 4 signature pages that were printed on 2/11/2010 following entering the 'submit' button to submit, in the District's belief, the 2010-11 471 Application 729572. Note at the top left corner of the first page of the signature pages SLD's software printed the date "2/11/2010" evidencing that the signature pages were printed on exactly that date. [Only the 4 signature pages are attached. The actual signature pages package that was shipped to SLD on 2/11/2010 contained numerous Item 21 attachments and contract attachments. ]

Do not write in this area.

Application ID:656155

Entity Number	127068	Applicant's Form Identifier	ISSYr12All
Contact Person	Jim Ross	Phone Number	757-287-3459

**Block 6: Certifications and Signature**

24. ☒ I certify that the entities listed in Block 4 of this application are eligible for support because they are: (check one or both)
- a. ☒ 2001, 20 U.S.C. Secs. 7801(18) and (38), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any schools including, but not limited to elementary, secondary schools, colleges, or universities
25. ☒ I certify that the entity I represent or the entities listed on this application have secured access, separately or through this program, to all of the resources, including computers, training, software, internal connections, maintenance, and electrical capacity, necessary to use the services purchased effectively. I recognize that some of the aforementioned resources are not eligible for support. I certify that the entities I represent or the entities listed in this application have secured access to all of the resources to pay the discounted charges for eligible services from funds to which access has been secured in the current funding year. I certify that the Billed Entity will pay the non-discount portion of the cost of the goods and services to the service provider(s).

a.	Total funding year pre-discount amount on this Form 471 (Add the entities from Item 23I on all Block 5 Discount Funding Requests.)	\$1,204,761.12
b.	Total funding commitment request amount on this Form 471 (Add the entities from Items 23K on all Block 5 Discount Funding Requests.)	\$807,189.94
c.	Total applicant non-discount share (Subtract Item 25b from Item 25a.)	\$397,571.18
d.	Total budgeted amount allocated to resources not eligible for E-rate support	\$1,262,123.00
e.	Total amount necessary for the applicant to pay the non-discount share of the services requested on this application AND to secure access to the resources necessary to make effective use of the discounts. (Add Items 25c and 25d.)	\$1,659,694.18
f.	<input type="checkbox"/> Check this box if you are receiving any of the funds in Item 25e directly from a service provider listed on any Forms 471 filed by this Billed Entity for this funding year, or if a service provider listed on any of the Forms 471 filed by this Billed Entity for this funding year assisted you in locating funds in Items 25e.	

26. ☒ I certify that all of the schools and libraries or library consortia listed in Block 4 of this application are covered by technology plans that are written, that cover all 12 months of the funding year, and that have been or will be approved by a state or other authorized body, and an SLD-certified technology plan approver, prior to the commencement of service. The plans are written at the following level(s):
- a. ☐ an individual technology plan for using the services requested in this application; and/or
- b. ☒ higher-level technology plan(s) for using the services requested in this application; or
- c. ☐ no technology plan needed; applying for basic local, cellular, PCS, and/or long distance telephone service and/or voice mail only.
27. ☒ I certify that I posted my Form 470 and (if applicable) made my RFP available for at least 28 days before considering all bids received and selecting a service provider. I certify that all bids submitted were carefully considered and the most cost-effective service offering was selected, with price being the primary factor considered, and is the most cost-effective means of meeting educational needs and technology plan goals.



28. ☒ I certify that the entity responsible for selecting the service provider(s) has reviewed all applicable FCC, state, and local procurement/competitive bidding requirements and that the entity or entities listed on this application have complied with them.
29. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value, except as permitted by the Commission's rules at 47 C.F.R. Sec. 54.500(k). Additionally, I certify that the Billed Entity has not received anything of value or a promise of anything of value, other than services and equipment requested under this form, from the service provider(s) or any representative or agent thereof or any consultant in connection with this request for services.
30. ☒ I certify that I and the entity(ies) I represent have complied with all program rules and I acknowledge that failure to do so may result in denial of discount funding and/or cancellation of funding commitments. There are signed contracts covering all of the services listed on this Form 471 except for those services provided under non-contracted tariffed or month-to-month arrangements. I acknowledge that failure to comply with program rules could result in civil or criminal prosecution by the appropriate law enforcement authorities.
31. ☒ I acknowledge that the discount level used for shared services is conditional, for future years, upon ensuring that the most disadvantaged schools and libraries that are treated as sharing in the service, receive an appropriate share of benefits from those services.
32. ☒ I certify that I will retain required documents for a period of at least five years after the last day of service delivered. I certify that I will retain all documents necessary to demonstrate compliance with the statute and Commission rules regarding the application for, receipt of, and delivery of services receiving schools and libraries discounts, and that if audited, I will make such records available to the Administrator. I acknowledge that I may be audited pursuant to participation in the schools and libraries program.
33. ☒ I certify that I am authorized to order telecommunications and other supported services for the eligible entity(ies) listed on this application. I certify that I am authorized to submit this request on behalf of the eligible entity(ies) listed on this application, that I have examined this request, that all of the information on this form is true and correct to the best of my knowledge, that the entities that are receiving discounts pursuant to this application have complied with the terms, conditions and purposes of this program, that no kickbacks were paid to anyone and that false statements on this form can be punished by fine or forfeiture under the Communications Act, 47 U.S.C. Secs. 502, 503(b), or fine or imprisonment under the Title 18 of the United States Code, 18 U.S.C. Sec. 1001 and civil violations of the False Claims Act.
34. ☒ I acknowledge that FCC rules provide that persons who have been convicted of criminal violations or held civilly liable for certain acts arising from their participation in the schools and libraries support mechanism are subject to suspension and debarment from the program. I will institute reasonable measures to be informed, and will notify USAC should I be informed or become aware that I or any of the entities listed on this application, or any person associated in any way with my entity and/or entities listed on this application, is convicted of a criminal violation or held civilly liable for acts arising from their participation in the schools and libraries support mechanism.
35. ☒ I certify that if any of the Funding Requests on this Form 471 are for discounts for products or services that contain both eligible and ineligible components, that I have allocated the cost of the contract to eligible and ineligible companies as required by the Commission's rules at 47 C.F.R. Sec. 54.504(g)(1),(2).
36. ☒ I certify that this funding request does not constitute a request for internal connections services, except basic maintenance services, in violation of the Commission requirement that eligible entities are not eligible for such support more than twice every five funding years beginning with Funding Year 2005 as required by the Commission's rules at 47 C.F.R. Sec. 54.506(c).
37. ☒ I certify that the non-discounted portion of the costs for eligible services will not be paid by the service provider. The pre-discount costs of eligible services features on this Form 471 are net of any rebates or discounts offered by the service provider. I acknowledge that, for the purpose of this rule, the provision, by the provider of a supported service, of free services or products unrelated to the supported service or product constitutes a rebate of some or all of the cost of the supported services.

38. Signature of authorized person

39. Signature Date 2/11/2009

40. Printed name of authorized person  
MELISSA WIKE

41. Title or position of authorized person

DIRECTOR OF FINANCE

**42a. Street Address, P.O Box or Route Number**

547 N RACE STREET

**City, State Zip Code**

STATESVILLE, NC 28677

**42b. Telephone number of authorized person:****(704) 924-2000****42c. Fax number of authorized person:**

(704) 381-3816

**42d. E-mail of authorized person:****MELISSA\_WIKE@ISS.K12.NC.US****42e. Name of authorized person's employer**

IREDELL-STATESVILLE SCHOOLS

**The Americans with Disabilities Act, the Individuals with Disabilities Education Act and the Rehabilitation Act may impose obligations on entities to make the services purchased with these discounts accessible to and usable by people with disabilities.**

**NOTICE:** Section 54.504 of the Federal Communications Commission's rules requires all schools and libraries ordering services that are eligible for and seeking universal service discounts to file this Services Ordered and Certification Form (FCC Form 471) with the Universal Service Administrator. 47 C.F.R. § 54.504. The collection of information stems from the Commission's authority under Section 254 of the Communications Act of 1934, as amended. 47 U.S.C. § 254. The data in the report will be used to ensure that schools and libraries comply with the competitive bidding requirement contained in 47 C.F.R. § 54.504. All schools and libraries planning to order services eligible for universal service discounts must file this form themselves or as part of a consortium.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The FCC is authorized under the Communications Act of 1934, as amended, to collect the information we request in this form. We will use the information you provide to determine whether approving this application is in the public interest. If we believe there may be a violation or a potential violation of any applicable statute, regulation, rule or order, your application may be referred to the Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing the statute, rule, regulation or order. In certain cases, the information in your application may be disclosed to the Department of Justice or a court or adjudicative body when (a) the FCC; or (b) any employee of the FCC; or (c) the United States Government is a party of a proceeding before the body or has an interest in the proceeding. In addition, consistent with the Communications Act of 1934, FCC regulations and orders, the Freedom of Information Act, 5 U.S.C. § 552, or other applicable law, information provided in or submitted with this form or in response to subsequent inquiries may be disclosed to the public.

If you owe a past due debt to the Federal government, the information you provide may also be disclosed to the Department of the Treasury Financial Management Service, other Federal agencies and/or your employer to offset your salary, IRS tax refund or other payments to collect that debt. The FCC may also provide the information to these agencies through the matching of computer records when authorized.

If you do not provide the information we request on the form, the FCC may delay processing of your application or may return your application without action.

The foregoing Notice is required by the Paperwork Reduction Act of 1995, Pub. L. No. 104-13, 44 U.S.C. § 3501, et seq.

Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing, and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the reporting burden to the Federal Communications Commission, Performance Evaluation and Records Management, Washington, DC 20554.

**Please submit this form to:**

**SLD-Form 471****P.O. Box 7026****Lawrence, Kansas 66044-7026**

**For express delivery services or U.S. Postal Service, Return Receipt Requested,  
mail this form to:**

**SLD Forms**

**ATTN: SLD Form 471**

**3833 Greenway Drive**

**Lawrence, Kansas 66046**

**(888) 203-8100**

[Print](#)[Create Item 21 Attachment](#)[Menu](#)

**Jim Ross**

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**From:** Debbie Perry [dperry@iss.k12.nc.us]  
**Sent:** Friday, February 12, 2010 1:10 PM  
**To:** jrosscpa@cox.net  
**Subject:** Fwd: FedEx Pickup Confirmation

>>> <pickup@fedex.com> 2/11/2010 11:22 AM >>>

## **FedEx Pickup Confirmation — FedEx Express HKYA106**

Thank you for shipping with FedEx. Your pickup request is scheduled. FedEx will pick up your shipment at the address below.

Company	<b>IREDELL-STATEVILLE SCHOOLS</b>	<b>FedEx Express</b>	<b>Confirmation no. HKYA106</b>
Contact Name	<b>Debbie Perry</b>	Total no. of packages	<b>1</b>
Country/Location	<b>United States</b>	Total weight	<b>1 lbs</b>
Address	<b>549 N RACE ST</b>	Pickup Date	<b>February 11, 2010</b>
City	<b>STATESVILLE</b>	Pickup Time	<b>11:30AM - 4:00PM</b>
State	<b>North Carolina</b>		
ZIP code	<b>28677</b>		
Phone no.	<b>7049242033</b>		

This is a post-only mailing. Please do not reply to this message.

--- Scanned by M+ Guardian Messaging Firewall ---

ITEM 3**Detailed Results**

Tracking no.: 869794825404

Select time format: 12H

**Delivered****Delivered**  
Signed for by: C.WOOTEN

## Shipment Dates

Ship date Feb 11, 2010  
Delivery date Feb 12, 2010 8:39 AM

## Destination

Signature Proof of Delivery

**Shipment Facts**

Service type	Priority Envelope	Delivered to	Guard/Security Station
Weight	1.0 lbs/5 kg		

**Shipment Travel History**

Select time zone: Local Scan Time

All shipment travel activity is displayed in local time for the location

Date/Time	Activity	Location	Details
Feb 12, 2010 8:39 AM	Delivered		
Feb 12, 2010 8:01 AM	On FedEx vehicle for delivery	LENEXA, KS	
Feb 12, 2010 6:31 AM	At local FedEx facility	LENEXA, KS	
Feb 12, 2010 4:41 AM	At dest sort facility	KANSAS CITY, MO	
Feb 12, 2010 3:39 AM	Departed FedEx location	MEMPHIS, TN	
Feb 11, 2010 11:09 PM	Arrived at FedEx location	MEMPHIS, TN	
Feb 11, 2010 7:54 PM	Left FedEx origin facility	CONOVER, NC	
Feb 11, 2010 2:43 PM	Picked up	CONOVER, NC	

**Jim Ross**

**From:** SLD Problem Resolution [SLD-Problem-Resolution@prod.vangent.com]  
**Sent:** Tuesday, March 30, 2010 2:33 PM  
**To:** 'jrosscpa@cox.net'  
**Subject:** RE: ATTN Sherry and Jessie RE: SLD Inquiry #: 22-035489 Received

Jim:

I have researched this and this is what I have found:

1. We did not receive a certification page or Item 21 Attachment package for 471 729572. If we received the envelope as indicated in your faxed documentation, it somehow did not end up being scanned and entered under this 471 application number.

If you submitted additional certifications for other applications in the package, it is theoretically possible it was accidentally combined with one of those. If you know of any BENs/471 #s you submitted in the same package, I could research that. (I think this is the most likely fate of the Item 21 Attachments and paper cert.)

2. We do not show that we received an extra certification or Item 21s under the previous year's 471 application number.

3. The Form 471 is in an Incomplete status, not a Complete status. If all that was missing is the certification page, it should be in a Complete status. I can't explain what happened, because we do show that all the information for the application was received on 2/11/2010, including the Block 6 information. That information will be blank in a Form that is in a Complete status. A screenshot from our system is below:

Schools and Libraries Universal Service Program						
Services Ordered and Certification Form 471						
Application Display						
Block 1	Block 2 & 3	Block 4	Block 5	Block 6	Misc	
471 Application No: 729572		Funding Year: 07/01/2010 - 06/30/2011		Cert. Postmark Date:		
Applicant's Form Identifier: ISSYr13ALL			NCS Form Identifier/Bar Code:			
<b>Block 1: Billed Entity Information</b>						
NCES Code: 37 - 02310 -			Billed Entity Number: 127068			
PIA Determination Status: PENDING			Data Entry Status: INCOMPLETE			
Create User ID: Internet			Create Date: 01/21/2010			
Last User ID: Internet			Last Update Date: 02/11/2010			
Applicant Name: IREDELL-STATESVILLE SCH DIST			Certif Recv'd Date:			
Address: 549 N RACE ST			Appl Completed Date:			
City: STATESVILLE State: NC Zip: 28677			Appl Certif Date:			
Phone: 704-872-8931 Ext:			Certif Record Id:			
Fax Number: 704-871-2834			Out of Window Letter Date:			
Out Of Window: N/A (INCOMPLETE)						
Contact Name: Jim Ross						
Address: 1019 Tottenham Lane						
City: Virginia Beach State: VA Zip: 23454						
Contact Phone: 757-267-3459 Ext:						
Contact Fax: 866-862-7181 Ext:						
E-mail: jrosscpa@cox.net						
Contact Mode: PHONE						
Alternate Contact Info:						
Type of Application: SCHOOL DISTRICT			Ineligible Orgs: N			

I think there must have been a technical glitch when the form was submitted. The data from Block 6 was received, but the form never switched from an Incomplete status to a Complete status (indicating it was submitted online).



At this point, I would recommend trying to log into the form using the 471 application number and security code. Submit the form again, then resubmit your Item 21 attachments and certification page for it. Keep this email for documentation of the issue. (I included the screenshot above because when you submit it, it will over-write the "Last Update Date" information in the upper right.)

Unfortunately, you will need to submit an appeal to request the receipt date be fixed. You could try appealing USAC first, since we would be able to fix an issue caused by our systems. Otherwise, you would need to file an Out of Window 471 Waiver request with the FCC.

I'm sorry for the delay in getting back to you. I don't remember receiving the fax with the tracking information. Again, if there were other 471s (or Item 21 Att.) in that package, if you provide the application numbers I can look through their images to see if the cert and Item 21s were accidentally scanned in with them.

Thank you,

Jessie Meiers  
Technical Client Service Bureau  
888-203-8100

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**From:** Jim Ross [mailto:jrosscpa@cox.net]  
**Sent:** Tuesday, March 30, 2010 10:05 AM  
**To:** SLD Problem Resolution  
**Subject:** ATTN Sherry and Jessie RE: SLD Inquiry #: 22-035489 Received

Sherry, Thanks for speaking with me today regarding this case. I've attached the document I faxed the day after this case was submitted. It includes my summary of what I think has happened, the signature pages (unsigned, a copy of the signed document is in our files at the Central Office), and all item 21 documentation.

There were 4 people involved in submitting the forms February 11<sup>th</sup>, 2010; myself, the Director of Finance, the IT Director and the administrative secretary to the Director of Finance. We diligently examined each block on the form at the conference table and then retired to the Director of Finance' office to submit and print the form and pages. The only thing I can think is that I carried the 2009-10 file in to her office, entered the 2009-10 form 471 and we submitted and certified it instead of the 2010-11 form 471. When you see page 1 of the signature pages, look at the date at the upper left hand corner.

The scanner says it scanned 42 pages on the attached pdf. The fax cover says 59 pages which is not correct. You should have 42 pages in the scan. The contract documents are a bit light but I'd expect that's not what you'll be concentrating on at this point.

Please let me know that you received the scanned document and advise me how to proceed; whether I need to file an appeal, etc. Email at [jrosscpa@cox.net](mailto:jrosscpa@cox.net) or voice at 757 287-3459.

Thanks so much,

Jim Ross

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**From:** sldnoreply@sl.universalservice.org [mailto:sldnoreply@sl.universalservice.org]  
**Sent:** Friday, March 26, 2010 8:58 AM  
**To:** jrosscpa@cox.net  
**Subject:** SLD Inquiry #: 22-035489 Received

Thank you for sending an email inquiry to the SLD. This message serves as a receipt confirmation.

Please note that you may also refer to the SLD website ([www.sl.universalservice.org](http://www.sl.universalservice.org)) for program information and view WebEx sessions regarding key E-rate topics, listed below.

*Your case number is 22-035489.*

Please refer to this number in subsequent contacts with the Client Service Bureau regarding this specific issue. Please do not resubmit this case number if your inquiry pertains to a different issue with respect to the same FRN.

We may need to request additional information from you in order to completely answer your question or fulfill your request.

Here is the information you submitted:

*[FirstName]=Jim [LastName]=Ross [Title]=Erate Coordinator [EmailAddress]=jrosscpa@cox.net  
[WorkPhone]=7572873459 [FaxPhone]=8668827181 [PreviousCaseNumber]=22-035489  
[DateSubmitted]=03/26/2010 08:57:55 [Question]=Good morning, This is a question about this case for Jessie Meiers. Have you been able to make any progress on this case? I am, obviously, very concerned and would appreciate any insights you might have at this point. Thanks, Jim Ross [AttachmentFlag]=N*

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PLEASE DO NOT REPLY TO THIS MESSAGE.

IF YOU WISH TO SUBMIT ADDITIONAL INFORMATION, PLEASE DO SO USING THE ASK A QUESTION FORM AVAILABLE ON THE SLD WEBSITE.

### **SLD TRAINING PRESENTATIONS**

SLD Training Presentations are available on the topics listed below at <http://www.sl.universalservice.org/reference/Presentations2004.asp>.

### **WEBEX RECORDINGS/LIVE SLD TRAINING SESSIONS**

Recorded sessions on key SLD topics are now available on the SLD's WebEx site at [universalservice.webex.com](http://universalservice.webex.com). Click on the Recorded Sessions tab under the Attend a Session link to view the available recordings. To view a session, you must register by providing certain information. This information will assist the SLD to better understand how the site is being accessed and to design new training sessions that will be helpful to users.

In addition, you may also register for live WebEx recordings by going to [universalservice.webex.com](http://universalservice.webex.com) and clicking on Live Sessions under the Attend a Session Tab and then clicking on the Upcoming tab. Please see instructions below for registering for a live session.

**The following topics are currently available:**

General Updates/New Initiatives  
Technology Planning  
Form 470 Changes  
Competitive Bidding  
Program Compliance  
Service Provider Perspective  
Form 471 Changes  
Eligible Services  
Miscellaneous PIA Updates  
Audits  
Invoicing  
Appeals  
Commitment Adjustments

**Follow this link to learn how to register to view a recording.** [PDF, 714kb]

**Follow this link to learn how to register to log into a live Training Session.** [PDF, 312kb]

**Follow this link to the SLD's WebEx site**

## **Attachment 2**



**Universal Service Administrative Company**  
Schools & Libraries Division

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**Administrator's Decision on Appeal – Funding Year 2010-2011**

September 09, 2010

Jim Ross  
Iredell-Statesville School District  
549 North Race Street  
Statesville, NC 28677

Re: Applicant Name: IREDELL-STATESVILLE SCH DIST  
Billed Entity Number: 127068  
Form 471 Application Number: 729572  
Funding Request Number(s): 2007420, 2007450, 2007503, 2007528, 2007547,  
2007622, 2007644, 2009541, 2009555  
Your Correspondence Dated: May 13, 2010

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2010 Form 471 Postmarked Outside of Window Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

Funding Request Number(s): 2007420, 2007450, 2007503, 2007528, 2007547,  
2007622, 2007644, 2009541, 2009555

Decision on Appeal: **Denied**

Explanation:

- A thorough review of your appeal and the relevant facts shows that you created the Form 471 application online on February 11, 2010, however the Form 471 actually submitted was for 471 application #656155 (a 2009 application). Your 2010 application has not been received and is therefore outside of the application filing window. For Funding Year 2010, in order to be considered for funding, Form 471 applications had to be postmarked no later than 11:59 pm (EST) on February 19, 2010. Your supporting documentation provided during the appeal process failed to demonstrate that your Form 471 application was postmarked on or before February 19, 2010.

USAC denied your funding request because it was determined that your FCC Form 471 Application was not postmarked on or before the close of the filing window of February 19, 2010. In order to be considered within the filing window, both the application and the certification must be completed. You have failed to demonstrate that the FCC Form 471 Application was filed timely. Consequently, your appeal is denied.

- The FCC requires completed FCC Form 471 applications and certifications to be postmarked by the final date of the filing window for the relevant funding year for the application in order to be considered timely filed. *See Request for Review by Alpine County Unified School District, et al., Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc., File no. NEC.471.01-24-00.5400004, CC Docket Nos. 96-45 and 97-21, Order, DA 02-75 paras. 2 and 4 (rel. Jan. 14, 2002).* The FCC's Bishop Perry Order directed USAC to provide all E-rate applicants with an additional opportunity to file the required certifications without posting new FCC Forms 471. *See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, et al., Schools and Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order).* As a result, applicants that failed to submit their certification in-window or submitted their certification without a signature were given an opportunity to submit a certification that would have been considered in-window as long as: (a) The form was completed and submitted within the window; and (b) The certification was submitted within 15 days of USAC's notification that your form was not certified. *See SLD section of the USAC's web site, Reference Area, "Bishop Perry Order, Help and FAQs" at [www.usac.org/sl](http://www.usac.org/sl).* The record indicates that you did not submit your FCC Form 471 certification within the allotted time period after USAC notified you that it was missing.

If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC. You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division  
Universal Service Administrative Company